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10/669,608	09/25/2003	Koji Ichikawa	0649-0914P	5671

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EXAMINER	
BRUCKART, BENJAMIN R	

ART UNIT	PAPER NUMBER
2446	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/669,608	ICHIKAWA, KOJI	
	Examiner	Art Unit	
	BENJAMIN R. BRUCKART	2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 May 0309*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims:

Claims 1-4 and 6-22 are pending in this Office Action.

Claims 1, 6 and 10 are in independent form.

Claims 5 remains cancelled.

The examiner directs applicant's attention to the new examiner of record, see correspondence information below.

Response to Arguments

Applicant's arguments filed in the amendment filed 5/13/09, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, and 6-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spyglass Prism (Concepts and Applications: Spyglass Prism, 1997) (hereinafter Spyglass)

in view of Fox et al. ("Reducing WWW Latency and Bandwidth Requirements by Real-Time Distillation"; Computer Networks and ISDN Systems; ACM; May, 1996) (hereinafter Fox) and further in view of Kitamura (US 2001/0034783) in view of Marmor (US 2002/0026475).

Referring to claim 1, Spyglass discloses an image-correction processing apparatus (i.e. proxy server application) in an image sending system that sends an image to a destination terminal via a network (page 2, Figure), comprising:

terminal information acquiring means for acquiring a destination terminal information about the destination terminal ("a user…may be asked to enter a services of conversion preferences that are stored in the User Database…the Device database contains content conversion characteristics for any set of devices that Spyglass Prism may be asked to support" such as screen dimensions, resolution, colors supported, format, etc.) (page 4, 'Transaction Manager' section);

send-out image generating means for generating a send-out image by performing an image correcting process, which corresponds to a model of the destination terminal, based on the destination terminal information (i.e. based on the device type of the requesting terminal, specific content conversion characteristics are conducted on the image to create a modified image) (page 4, 'Transaction Manager' section; page 5, 'Content Converter and Cache' section: "Based on the request passed from the Transaction Manager, Spyglass Prism's Content Converter selects a set of conversion rules that define how Web content will be translated to provide optimal viewing on the requesting device…for example, an image conversion script…may convert images to GIF, reduce the color depth, reformat the image for a 240x480 pixel display").

Spyglass further discloses the send-out image generating means includes storing an image-correction parameter (i.e. user database to track user preferences as well as design custom conversion routines) (p. 2-3: 'introduction' and 'Spyglass prism product overview'); means for setting image correction parameter according to destination terminal information (i.e. a script for a handheld PDA may convert images to GIF, reduce color depth, reformat the image, etc.) (p. 5: 'Content converter and Cache'); means for converting a number of pixels constituting an image to be appropriate for a display screen size of a destination terminal (i.e. reformat the image for a 240x480 pixel display) (p. 5: 'Content converter and Cache'); means for correcting the send-out

image based on a first correction process (i.e. conversion rules convert the image to conform with the display capabilities of the device) (p. 5: 'Content converter and Cache'); and content converter rules for reducing color depth, JPEG-GIF conversion, size reduction, dithering, etc. all which are tailorable to the user and the user's display device (p. 5: 'Content converter and Cache').

Spyglass does not explicitly state the use of a first class of devices pertaining to a first correction process and a second class of devices pertaining to a second correction process.

In analogous art, Fox discloses another image correction process for devices which discloses a chart in which various classes of devices and their display capabilities are shown (page 5).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Fox with Spyglass in order to utilize the particular chart used in Fox with the device database disclosed in Spyglass, thereby providing enough data for the system to correct an image in order to conform with the operating and display capabilities of the various devices.

Fox-Spyglass do not expressly disclose the image sending terminal is different from the destination terminal, wherein the image sending terminal sends an image along with information designating the destination terminal.

In analogous art, Kitamura discloses a sending terminal (i.e. transmitting side) which sends an image (i.e. Christmas picture, message, and montage) along with information designating the destination terminal (i.e. mail addresses) (Figure 1B, ref. B) to a server 3 which then sends the card to a destination terminal (i.e. receiving side) (Fig. 1B).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Kitamura with Fox-Spyglass in order to allow the image conversion techniques of Fox-Spyglass to be applied to the Christmas card being sent in Kitamura, in order to allow the card to be displayed properly based on the type of receiving device of the destination terminal, thereby allowing the system of Kitamura to be used with a plurality of differing devices, all with varying capabilities.

Fox-Spyglass-Kitamura does not explicitly disclose that the converter queries the receiver for destination terminal information, rather the destination terminal information is stored in the gateway and no querying is done.

In analogous art, Marmor discloses another alternative to storing the client's configuration in the converter is to query the destination terminal for the client's capabilities (¶ 28, 103).

It would have been obvious to one of ordinary skill in the art to combine the teaching of Marmor with Fox-Spyglass- Kitamura to query the client destination terminal instead of storing the various configuration capabilities in the server of Spyglass in order to compensate for users whose devices change often (i.e. accessing an account from both a home PC and a PDA, which have differing capabilities), resulting in reduced memory storage requirements for the server as well as increased flexibility for supporting different devices.

Referring to claim 2, Spyglass discloses the send-out image generating means includes: first image-correction processing means for performing an image correcting process according to each image for a pre-sending image, and a second-image correction processing means for performing an image correcting process which is respectively appropriate for each model of the destination terminal after the image correcting process performed by the first image-correction processing means (i.e. the example shows a script which reduces the color depth, which is an image correcting process according to the image, and then reformat the image for a 240,480 pixel display, which is a correcting process appropriate for the model of the destination terminal) (page 5, 'Content Converter and Cache' section, second paragraph).

Referring to claim 3, Spyglass discloses an image-correction parameter storing means (i.e. Device Database) for storing image-correction parameters (i.e. device types) of each model of the destination terminal (i.e. "reformat the image for a 240x480 pixel display") (page 4, 'Transaction Manager' section; page 5, 'Content Converter and Cache' section); and image-correction parameter setting means for setting an image-correction parameter used for the image correcting process (i.e. device database contains content conversion characteristics for any set of devices…) (page 4, 'Transaction Manager' section).

Referring to claim 4, Spyglass discloses the terminal information acquiring means acquires the destination terminal information from the destination terminal (i.e. user is asked to enter a series

of conversion preferences and the Device Database information) (page 4, 'Transaction Manager' section); and
the image-correction parameter setting means selects an image-correction parameter corresponding to a destination terminal information (i.e. Device database contains content conversion characteristics for any set of devices) (page 4, 'Transaction Manager' section).

Claims 6-10 are rejected for similar reasons as stated above.

Referring to claim 11, Spyglass-Fox discloses that the first class of computers is a PC (Fox: page 5, note 'Typical notebook/desktop PC').

Referring to claim 12, Spyglass-Fox discloses the invention as described above. Spyglass-Fox does not explicitly disclose the use of a cellular phone, rather just discloses the use of PDA's and notebook/desktop PC's, however the ability for cellular phones to display images is well known and a cellular network has a lower bandwidth than a typical wired network. By this rationale, "Official Notice" is taken that both the concepts and advantages of providing for display capabilities of cellular phones is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to realize the benefits of incorporating cellular phones in the device database in order to increase the user's ability to access images over a cellular phone and a cellular network quickly and expeditiously.

Referring to claims 13 and 14, Spyglass-Fox do not explicitly disclose the use of if the device belongs to a particular third class of device (a cellular phone), convert the image to JPEG, however, as explained in connection with claim 12, the use of cellular phones is well known in the art, and Spyglass discloses conversion of an image to JPEG (p. 5: 'Content converter and Cache'), one of ordinary skill in the art would be able to configure the system to convert the image to JPEG when the device is a particular cellular phone which can only receive JPEG images.

Claims 15-22 are rejected for similar reasons as stated above.

REMARKS

Applicant has provided two arguments on pages 4-5 of the response arguing the combination.

The Applicant Argues:

Applicant argues the combination of Kitamura with Spyglass-Fox would not achieve the claimed invention.

In response, the examiner respectfully submits:

The rejection is maintained because the art reads on the claims as written and the combination is proper.

The Spyglass reference does teach the proxy server device that converts and translates content to fit on devices. The Spyglass proxy receives requests on behalf of the clients, retrieves content and adapts the content based on the device specific characteristics.

In Spyglass, the sender of the content is actually the Web (Fig on page 2). The destination terminal is the device on the left of the Figure. While a request for that content is from a device and the proxy (spyglass prism) on behalf of the device, that does not make the sender and the receiver the same device. The sender of the content or image data comes from the cloud of devices in which the request is sent to. The destination device is the left devices (PDA, phone), and the terminal information acquiring means is the proxy (spyglass prism).

The Kitamura reference is relied upon to reinforce the prior art teaching that a sender, different from a receiver, can send an image to a destination by way of a proxy. Kitamura, page 2, para 35 shows the user clicks the link and then transmission of the image is complete. While this image is created and stored on the server, for the image to be displayed to the user, the user must request the image from the server for display on the device 'mobile telephone set 2.' Clicking the link is the request to the server for the image. The Kitamura and Spyglass references are analogous in art and nature as they both teach transmission of data and images from a sender to a destination across a computer network. Similarly the request of Spyglass is from the device

to access and convert the data through the proxy, the receiver of the image data in Kitamura requests the data sent from a destination. Furthermore, KSR supports the rationale of conclusion of obviousness by "simple substitution of one known element fro another to obtain predictable results" and "use of known technique to improve similar devices in the same way." In the instant case, the use of a sender who creates and sends image data to a destination is imported as a known technique in the art to use the technique in a way to retrieve formatted and device tailored content. The examiner maintains it would have been obvious to one of ordinary skill in the art to combine the image correction and modification of the modified Spyglass to include the idea that the content comes from a sender, different from the receiver as taught by Kitamura in order to allow the card to be displayed properly based on the type of receiving device of the destination terminal, thereby allowing the system of Kitamura to be used with a plurality of differing devices, all with varying capabilities.

Conclusion

Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action are now established as admitted prior art of record for the course of the prosecution. See In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart
Examiner
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Primary Examiner, Art Unit 2446